

# Exhibit 2

## **DECLARATION OF DAVID MUNCHER**

I, David Muncher, hereby declare as follows:

1. My name is David Muncher. I am over 19 years of age and have personal knowledge of the matters set forth in this declaration.

2. I am currently the Vice-President of Operations Support for Drummond Company, Inc. ("Drummond"). I have a degree in Mineral Engineering from the University of Alabama, and I am licensed in the State of Alabama as a Professional Engineer (P.E.).

3. In consultation with Drummond's consultants at Wood, PLC and Linkan Engineering, I have supervised the remediation site work performed by Drummond personnel at the former Maxine Mine site.

4. Since July 2020, Drummond has spent \$436,961.62 in fees to Wood, PLC and Linkan Engineering for testing, remediation planning, and implementation, as well as reporting to Black Warrior Riverkeeper on these activities through the course of mediation. In addition, below is excerpted from Drummond's accounting records concerning expenditures at the site outside of legal and consulting fees:

Unit	Account	Dept	Product	Oper Unit	Sum Amount
	FUEL				\$ 11,278.61
	SUPPLIES: Stone, Plastic, Fabric, Amendments, etc.				\$ 243,333.99
	M&R				\$ 3,443.95
	EQUIPMENT RENTAL				\$ 37,658.53
	CONTRACTORS				\$ 259,620.22
	DCI MANHOURS and MACHINE COSTS				\$ 205,081.67

(“M&R” refers to equipment maintenance and repair). This equates to \$760,416.97 in direct expenses. Combining these direct expenses with the fees paid to Wood, PLC and Linkan Engineering, and excluding the substantial legal fees incurred, Drummond has expended just under \$1.2 million in its efforts to remediate the site. Assuming this work is allowed to continue, these costs will continue to increase as substantial additional work is expected to be completed at the site over the next 2-3 years or longer if necessary, in order to complete remediation.

5. As much of our work at the site involves the movement of soil and other materials with heavy equipment, we are unable to perform such work during periods of heavy rainfall. Over the past year, we have experienced significantly above-average rainfall at the site that has interfered with our site work, but we have nevertheless been able to make a substantial amount of progress. Below is a high-level summary of remediation work completed by Drummond personnel and/or independent contractors:

- a. ADEM site disturbance permit application was developed, submitted, and approved;
- b. More than 6,600 feet of site access roads were upgraded and graveled for erosion and sediment control;
- c. Installation of all best management practices (“BMPs”) required inclusive of more than 2,000 feet of silt-fence/hay-dam controls;
- d. More than 2,000 feet of open limestone channels were installed in order to divert and treat water discharging from the site;
- e. Installation of over 5,000 tons of stone and amendments;

- f. 24 water monitoring wells drilled and currently are under sampling and review activities;
- g. 6 sumps were dug in the coarse refuse and investigated for water quality and/or acid base content;
- h. More than 12 acres of the site has been soil amended, and revegetated;
- i. Installation of data measurement devices including: rain gauges, infiltrometers, lysimeters, water weirs, and others instruments have been installed or utilized at the property;

6. I have attached hereto as Exhibit A some before and after photographs depicting the outcome of the revegetation work performed on the upper and lower basin of the site in the Fall of 2020. Attached as Exhibit B are photographs of additional revegetation work performed in July 2021 at another sparsely vegetated area of the site. Attached as Exhibit C is a collection of photographs depicting work being performed at the site over the last year.

7. With respect to surface water runoff neutralization measures recommended by our remediation consultants, below is a summary of work both proposed and completed, with that which has been completed in **bold**:

- a. **Through testing, we identified as acidic or alkaline the surface water quality discharges.**
  - i. **Installation of a cut-off trench to redirect surface water to Open Limestone Channels (OLC);**
  - ii. **Installation of Open Limestone Channels (Oxic Drains) comprised of calcitic limestone, soil amendments, and impervious plastic linings;**
  - iii. **Installation of alkaline amendment water sumps within the OLC's to treat for water quality;**

- iv. **Application of alkaline soil amendment in revegetation;**
- v. **Amended and revegetation of several acres of barren soils to reduce direct coarse refuse to surface water contact**
- vi. Installation of alkaline slag trenches;
- vii. Application of milk amendment;
- viii. Application of liquid lime amendment;
- ix. Installation of small iron terraces of permeable calcitic concrete;
- x. Utilization of permeable calcitic concrete in terrace dams and collection pods;
- xi. Verified with bi-monthly sampling at discharge points for a 24-month period (**while the 24-month period has not yet expired, we have been conducting the bi-monthly sampling**).

8. With respect to groundwater infiltration neutralization measures recommended by our remediation consultants, below is a summary of work both proposed and completed, with that completed in bold:

- a. **Identified as acidic or alkaline water saturation into the identified bedrock water table as per Wood, PLC's analysis.**
  - i. **Interception of identified accessible seeps (4 and 5 completed) to be channeled into Open Limestone Channels (OLC4);**
  - ii. **Installation of Open Limestone Channels (Oxic Drains) with High Density Polyethylene (HDPE) lined bottom;**
  - iii. **Surface application of soil alkalinity amendments and milk;**
  - iv. Injection application of soil alkalinity amendments and milk;
  - v. The efficacy of these injection applications to be verified by well analysis performed by Wood, PLC.

9. With respect to erosion control measures recommended by our remediation consultants, below is a summary of work both proposed and completed, with that completed in bold:

- a. **Elimination of bare surface areas individually measured in excess of ½ acre, this metric being identified as establishment of self-sustaining and flourishing vegetation obtained by:**
  - i. **Soil amendment treatment applications;**
  - ii. **Revegetation of upper bare areas;**
  - iii. **Site-specific Topsoiling and revegetation of the upper basin;**
  - iv. **Site specific Topsoiling and revegetation of the lower basin.**
- b. **Eroded valley and draw drainage courses. This erosion control metric is identified as a “do no harm reclamation” and includes:**
  - i. **Construction of engineer-reviewed terrace check dams;**
  - ii. **Installation of water retention and sediment collection pods;**
  - iii. **Allow for the natural reclamation to gullies and crevices.**
- c. The river edge sedimentation deposition. The river’s edge sedimentation deposition is identified as the non-vegetated area near and immediately adjacent the “teepee” area. This area will receive:
  - i. Soil amendment treatment applications
  - ii. Drainage path rip-rap stone installation
  - iii. River’s edge rip-rap stone installation.

10. With respect to other site improvements recommended by our remediation consultants, below is a summary of work both proposed and completed, with that completed in bold:

- a. **Bare areas revegetated with sustainable vegetation;**
- b. **Drainage ditches graded, contoured, and stabilized with rip-rap;**
- c. **Eroded drainage courses stabilized, controlled, and in a reclaiming process;**
- d. Riverbank maintenance (Do No Harm Reclamation):
  - i. Reconstruct rip-rap dam and spillway outslope at Lower Basin;
  - ii. Rip-rap exposed riverbank along “teepee” area.

11. The vast majority of water flowing from the site into the Locust Fork occurs at the outflow of the lower sediment basin or OLC3. We have been conducting bi-monthly water quality testing at this outflow. Although all of the work proposed by our consultants has not yet been completed, the work that has been completed has shown marked improvement in pH levels. Between 10/26/20 and 12/15/20, pH readings at this outflow were consistently between 6.32 and 6.90. Between 12/28/20 and 2/11/21 readings at this outflow remained much improved but lowered in range to between 4.32 and 5.90. However, on February 23, 2021, pH levels suddenly dropped to 3.6. Investigations found this was due to a new water source very near the OLC3 discharge measuring point. This new water source caused a lower pH discharge due to its 1) location which has not received any

amendments and 2) its limited contact time within the OLC3 treatment amended channel. This is the “surprise” referenced in Paragraph 17 of Jim Gusek’s declaration, and appears to be the result of an upwelling of acidic water coming from a tree-covered area just upstream of the outflow. This outflow only appeared after heavy rainfall of February began. We are currently working with our consultants on the best way to address this new development, which we believe can be remedied given an appropriate amount of time to apply good engineering judgment in conjunction with experimental science to test possible approaches, and a dry weather pattern that will allow us to enter the area within the trees and apply amendments determined by our consultants.

I hereby state under penalty of perjury that the statements above are true and correct.

Date: August 27, 2021.

  
David Muncher